

BEFORE THE DIVISION OF MEDICAL QUALITY  
BOARD OF MEDICAL QUALITY ASSURANCE  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation	)	
Against:	)	
	)	No. D-2651
	)	
ASSIBI Z. ABUDU, M.D.	)	
Physician and Surgeon	)	L-23281
Certificate No. G032689	)	
	)	
Respondent.	)	
_____	)	

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Division of Medical Quality of the Board of Medical Quality Assurance as its decision in this case, except for condition (1) in the penalty order providing for a one year suspension with six months stayed, which appears to be ambiguous and confusing considering that there is already a stay order to the preceding order for revocation.


Pursuant to the authority granted under section 11517(b), Government Code, the Division adopts the balance of the Proposed Decision but amends condition (1) to read as follows:

"(1) As part of probation, respondent is suspended from the practice of medicine for 180 days beginning the effective date of this decision."

The effective date of this decision shall be April 22, 1982.

So ordered March 23, 1982.

DIVISION OF MEDICAL QUALITY  
BOARD OF MEDICAL QUALITY ASSURANCE

By   
MILLER MEDEARIS  
Secretary-Treasurer

BEFORE THE DIVISION OF MEDICAL QUALITY  
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DEPARTMENT OF CONSUMER AFFAIRS  
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In the Matter of the Accusation	)	
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ASSIBI Z. ABUDU, M.D.	)	L-23281
Physician and Surgeon	)	
Certificate No. G032689	)	
	)	
	)	
	)	
Respondent.	)	
	)	

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PROPOSED DECISION

This matter, pursuant to stipulation, came on regularly for hearing before P. M. Hogan, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California, on February 2, 1982 at the hour of 1:30 p.m.

Complainant was represented by Jess J. Gonzalez, Deputy Attorney General. Respondent appeared personally, and was represented by Warren B. Wilson, attorney at law.

After first having been advised of the nature of these proceedings and of his rights under the Administrative Procedure Act, respondent, with the consent of his attorney, waived such rights and entered into the stipulation described below.

The parties have submitted this matter upon the said stipulation, which is conditioned upon the adoption by the Board of Medical Quality Assurance of the disciplinary order set forth therein. Pursuant to such stipulation, and the power of the Board to take official notice of facts within its expertise, the Administrative Law Judge makes his findings of fact as follows:

I

Robert G. Rowland, complainant herein, is the executive director of the Board of Medical Quality Assurance (hereinafter "the Board") and filed the accusation solely in his official capacity.

## II

In 1976, the Board issued physician's and surgeon's certificate number G032689 to respondent Assibi Z. Abudu, M.D. (hereinafter "respondent"). Said certificate expired September 30, 1980, and as of the date of this accusation no application for renewal has been received by the Board. The Board retains jurisdiction to maintain disciplinary proceedings by operation of law notwithstanding expiration of respondent's certificate.

## III

The parties have timely filed and served all pleadings, notices and other papers as required by law. Jurisdiction for these proceedings exists.

## IV

The parties have entered into a stipulation by which respondent admits certain of the facts alleged in the Second Amended and Supplemental Accusation on file herein and consents to the imposition of a disciplinary order set forth with particularity therein. The said stipulation is hereby accepted, incorporated herein by reference as "Exhibit 'A'" attached hereto, and the admissions therein contained are hereby adopted, and, for the limited purpose of this proceeding only, are found to be true.

## V

Respondent, at the time of the hearing, with the consent of his attorney, orally and expressly ratified and confirmed his waiver of all procedural rights and the terms and conditions of the said stipulation. It is found and determined that respondent did so intelligently, freely and voluntarily.

\* \* \* \* \*

Pursuant to the foregoing findings of fact, the Administrative Law Judge makes the following determination of issues:

Cause for discipline has been established pursuant to sections 2220, 2234, 2236 and 2239 of the Business and Professions Code by reason of the facts set forth in Finding IV hereinabove.

\* \* \* \* \*

WHEREFORE, THE FOLLOWING ORDER is hereby made:

A. Physician's and surgeon's certificate number G032689 issued to respondent Assibi Z. Abudu, M.D., is revoked pursuant to the facts and the determination of issues set forth hereinabove, separately and for all of them. However, revocation is stayed and respondent is placed on probation for five years upon the following terms and conditions:

(1) As part of probation, respondent is suspended from the practice of medicine for one year with six months stayed beginning on the effective date of this decision;

(2) Respondent shall surrender for cancellation his DEA permit, together with any triplicate prescription forms and federal order forms, to the Drug Enforcement Administration. Respondent shall not engage in the practice of medicine until he provides documentary proof of that surrender to the Division of Medical Quality. Respondent may reapply for a DEA permit for Schedule V controlled substances;

(3) Respondent shall not prescribe, administer, dispense, order, or possess (except as prescribed, administered, or dispensed to respondent by another person authorized by law to do so) controlled substances as defined by the California Uniform Controlled Substances Act except for those drugs listed in Schedule V of the Act;

(4) Respondent shall submit to an initial psychiatric evaluation and participate in an ongoing program of drug rehabilitative counseling or psychiatric therapy with a psychiatrist or other mental health professional, until such time as the psychotherapist releases him from treatment. Written progress reports from the therapist will be required semi-annually, commencing 90 days from the effective date of this decision;

(5) At all times during the period of probation, respondent shall fully cooperate with the Division of Medical Quality or any of its agents or employees in their supervision and investigation of his compliance with the terms and conditions of this probation; and shall, when requested, submit to such tests and samples as the Division or its agents or employees may require for the detection of narcotics, hypnotics, dangerous drugs, or controlled substances;

(6) Within 60 days of the effective date of this decision, respondent shall take and pass an oral clinical examination to be administered by the division or its designee. If respondent fails this examination, respondent must wait three months between re-examinations, except that after three failures respondent must wait one year to take each necessary re-examination thereafter. The division shall pay the cost of the first examination and respondent shall pay the costs of any subsequent examinations;

Respondent shall not engage in the practice of medicine until respondent has passed this oral clinical examination and has been so notified by the division in writing;

(7) Within one year of the effective date of this decision, respondent shall submit to the division for its prior approval a program of approved Category I Continuing Medical Education, related to the violations found in the decision, which program shall include, but shall not be limited to, family practice, medical pharmacology and therapeutics, and the proper prescribing of drugs. The exact number of hours and the specific content of the program shall be determined by the Division or its designee and shall not total less than fifty nor more than seventy-five hours per year for the remaining period of probation. This program shall be in addition to the Continuing Medical Education requirements for relicensure. The Division or its designee may also require respondent to pass an examination related to the content of the program;

(8) Respondent shall obey all federal, state, and local laws, and all rules governing the practice of medicine in California;

(9) Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the division, stating whether there has been compliance with all the conditions of probation;

(10) Respondent shall comply with the division's probation surveillance program;

(11) Respondent shall appear in person for interviews with the division's medical consultant upon request at various intervals and with reasonable notice; and

(12) In the event respondent should leave California to reside or to practice outside the state, respondent must notify the division of the dates of departure and return. Periods of residency or practice outside California will not apply to the reduction of this probationary period.

B. If respondent violates probation in any respect, the division, after giving respondent notice and the opportunity to be heard, may move to set aside the stay order and impose the revocation of the respondent's certificate.

C. Upon successful completion of probation, respondent's certificate will be fully restored.

D. The foregoing order shall be effective sixty (60) days from the date of the Board's Decision.

I hereby submit the foregoing which constitutes my Proposed Decision in the above-entitled matter, as a result of the hearing had before me on February 2, 1982, at Los Angeles, California, and recommend its adoption as the decision of the Board of Medical Quality Assurance.

DATED: Feb. 3, 1982

  
F. M. HOGAN

Administrative Law Judge  
Office of Administrative Hearings

PMH:bbt

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Telephone: (213) 736-3512  
4

5 Attorneys for Complainant  
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8 BEFORE THE DIVISION OF MEDICAL QUALITY  
9 BOARD OF MEDICAL QUALITY ASSURANCE  
10 DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

11 In the Matter of the Accusation )  
12 Against: ) NO. D-2651  
13 )  
14 ASSIBI Z. ABUDU, M.D. ) STIPULATION  
15 Physician and Surgeon )  
Certificate No. G032689 )  
Respondent. )  
\_\_\_\_\_ )

16 IT IS HEREBY STIPULATED by and between the parties  
17 in the above-entitled matter, as follows:

18 1. An accusation number D-2651 is currently  
19 pending against Assibi Z. Abudu, M.D. (hereinafter  
20 "respondent"), before the Board of Medical Quality Assurance  
21 (hereinafter the "board"). A true and correct copy of the  
22 accusation is attached as Annex A.

23 2. Respondent has counseled with and is  
24 represented by Warren B. Wilson, Attorney at Law, with  
25 offices at Victorian Legal Center, Corner of 11th and Grove,  
26 Oakland, California.

27 3. Respondent is fully aware of the charges and

1 allegations contained in said accusation number D-2651 on  
2 file with the board and respondent has been fully advised  
3 with regard to his rights in this matter.

4           4. Respondent is fully aware of his right to a  
5 hearing on the charges and allegations contained in said  
6 accusation number D-2651, his rights to reconsideration,  
7 appeal, and any and all other rights which may be accorded  
8 to him pursuant to the Administrative Procedure Act.

9           5. Respondent hereby freely and voluntarily waives  
10 his right to an evidentiary hearing, reconsideration,  
11 appeal, and any and all other rights which may be accorded  
12 to him by the Administrative Procedure Act with regard to  
13 said accusation number D-2651 on file with the board.

14           6. Respondent admits that the factual allegations  
15 contained in paragraphs 1, 2, 12, 13, 14, 15 and 17 of said  
16 accusation number D-2651 are true. That the admissions of  
17 fact made herein by respondent are made solely in reference  
18 to these proceedings.

19           7. Based on the foregoing stipulated facts, cause  
20 for disciplinary action against respondent has been  
21 established under the provisions of sections 2220, 2234,  
22 2236, 2238, and 2239 of the Business and Professions Code.

23           8. The Division of Medical Quality of the board  
24 shall issue the following order:

25                           DISCIPLINARY ORDER

26           A. Physician's and surgeon's certificate number  
27 G032689 issued to respondent Assibi Z. Abudu, M.D., is



1        revoked pursuant to the facts set forth hereinabove at  
2        paragraph 6 and the determination of issues set forth at  
3        paragraph 7, separately and for all of them. However,  
4        revocation is stayed and respondent is placed on  
5        probation for five years upon the following terms and  
6        conditions:

7                (1) As part of probation, respondent is  
8        suspended from the practice of medicine for one  
9        year with six months stayed beginning on the  
10       effective date of this decision;

11               (2) Respondent shall surrender for  
12       cancellation his DEA permit, together with any  
13       triplicate prescription forms and federal order  
14       forms, to the Drug Enforcement Administration.  
15       Respondent shall not engage in the practice of  
16       medicine until he provides documentary proof of  
17       that surrender to the Division of Medical Quality.  
18       Respondent may reapply for a DEA permit for  
19       Schedule V controlled substances;

20               (3) Respondent shall not prescribe,  
21       administer, dispense, order, or possess (except as  
22       prescribed, administered, or dispensed to  
23       respondent by another person authorized by law to  
24       do so) controlled substances as defined by the  
25       California Uniform Controlled Substances Act except  
26       for those drugs listed in Schedule V of the Act;

27               (4) Respondent shall submit to an initial

1 psychiatric evaluation and participate in an  
2 ongoing program of drug rehabilitative counseling  
3 or psychiatric therapy with a psychiatrist or other  
4 mental health professional, until such time as the  
5 psychotherapist releases him from treatment.  
6 Written progress reports from the therapist will be  
7 required semi-annually, commencing 90 days from the  
8 effective date of this decision;

9 (5) At all times during the period of  
10 probation, respondent shall fully cooperate with  
11 the Division of Medical Quality or any of its  
12 agents or employees in their supervision and  
13 investigation of his compliance with the terms and  
14 conditions of this probation; and shall, when  
15 requested, submit to such tests and samples as the  
16 Division or its agents or employees may require for  
17 the detection of narcotics, hypnotics, dangerous  
18 drugs, or controlled substances;

19 (6) Within 60 days of the effective date of  
20 this decision, respondent shall take and pass an  
21 oral clinical examination to be administered by the  
22 division or its designee. If respondent fails this  
23 examination, respondent must wait three months  
24 between re-examinations, except that after three  
25 failures respondent must wait one year to take each  
26 necessary re-examination thereafter. The division  
27 shall pay the cost of the first examination and

1 respondent shall pay the costs of any subsequent  
2 examinations.

3 Respondent shall not engage in the practice of  
4 medicine until respondent has passed this oral  
5 clinical examination and has been so notified by  
6 the division in writing.

7 (7) Within one year of the effective date of  
8 this decision, respondent shall submit to the  
9 division for its prior approval a program of  
10 approved Category I Continuing Medical Education,  
11 related to the violations found in the decision,  
12 which program shall include, but shall not be  
13 limited to, family practice, medical pharmacology  
14 and therapeutics, and the proper prescribing of  
15 drugs. The exact number of hours and the specific  
16 content of the program shall be determined by the  
17 Division or its designee and shall not total less  
18 than fifty nor more than seventy-five hours per  
19 year for the remaining period of probation. This  
20 program shall be in addition to the Continuing  
21 Medical Education requirements for relicensure.  
22 The Division or its designee may also require  
23 respondent to pass an examination related to the  
24 content of the program.

25 (8) Respondent shall obey all federal, state,  
26 and local laws, and all rules governing the  
27 practice of medicine in California.

1 (9) Respondent shall submit quarterly  
2 declarations under penalty of perjury on forms  
3 provided by the division, stating whether there has  
4 been compliance with all the conditions of  
5 probation.

6 (10) Respondent shall comply with the  
7 division's probation surveillance program.

8 (11) Respondent shall appear in person for  
9 interviews with the division's medical consultant  
10 upon request at various intervals and with  
11 reasonable notice; and

12 (12) In the event respondent should leave  
13 California to reside or to practice outside the  
14 state, respondent must notify the division of the  
15 dates of departure and return. Periods of  
16 residency or practice outside California will not  
17 apply to the reduction of this probationary period.

18 B. If respondent violates probation in any  
19 respect, the division, after giving respondent notice  
20 and the opportunity to be heard, may move to set aside  
21 the stay order and impose the revocation of the  
22 respondent's certificate.

23 C. Upon successful completion of probation,  
24 respondent's certificate will be fully restored.

25 9. The stipulation shall be subject to the  
26 approval of the Division of Medical Quality of the board.  
27 If the Division of Medical Quality fails to approve this

1 stipulation, it shall be of no force or effect for either  
2 party.

3 I have read the within stipulation, have discussed  
4 it with my counsel, and its terms are understood by me and  
5 are agreeable and acceptable to me. I understand that I am  
6 waiving certain rights accorded me by the California  
7 Administrative Act, and I willingly, intelligently, and  
8 voluntarily waive those rights. I understand also that by  
9 the terms of this stipulation, my license is to be revoked,  
10 but said revocation stayed, and be actually suspended for a  
11 period of six months by decision and order upon this  
12 stipulation.

13 DATED: 2/2/81

ASSIBI Z. ABUDU, M.D.  
Respondent

15 DATED: Jan. 23, 1981

WARREN B. WILSON  
Attorney for Respondent

17 DATED Feb. 2, 1981

GEORGE DEUKMEJIAN, Attorney General

20 By Jess J. Gonzalez

JESS J. GONZALEZ  
Deputy Attorney General

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Attorneys for Complainant

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8 BEFORE THE  
9 DIVISION OF MEDICAL QUALITY  
10 BOARD OF MEDICAL QUALITY ASSURANCE  
11 DEPARTMENT OF CONSUMER AFFAIRS  
12 STATE OF CALIFORNIA

13 In the Matter of the Accusation ) No. D-2651  
14 Against: )  
15 ) SECOND AMENDED  
16 ) AND SUPPLEMENTAL  
17 ) ACCUSATION  
18 )  
19 )  
20 )  
21 )  
22 )  
23 )  
24 )  
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26 )  
27 )

Complainant, Robert G. Rowland, alleges as follows:

1. That he is the executive director of the Board of Medical Quality Assurance (hereinafter "the board") and brings this accusation solely in his official capacity.

2. In 1976, the board issued physician's and surgeon's certificate number G 32689 to respondent Assibi Z. Abudu, M.D. (hereinafter "respondent"). Said certificate expired September 30, 1980, and as of the date of this accusation no application for renewal has been received by the board.

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1                   3. Sections 2220 and 2234 (formerly § 2360 and 2361)  
2 of the Business and Professions Code (hereinafter referred to  
3 as "the code") provide that the board may take disciplinary  
4 action against the holder of a physician's and surgeon's  
5 certificate who is guilty of unprofessional conduct.

6                   4. Subdivision (e) of section 2234 further provides  
7 that unprofessional conduct includes the commission of any act  
8 involving dishonesty or corruption which is substantially  
9 related to the qualifications, functions, or duties of a  
10 physician and surgeon.

11                  5. Subdivisions (b) and (d) of section 2234 of the  
12 code further provide that acts of gross negligence and  
13 incompetence constitute unprofessional conduct.

14                  6. Section 2239 (formerly § 2390) of the code  
15 provides in pertinent part that the use or prescribing for or  
16 administering to oneself of any of the controlled substances  
17 listed in Schedule I of section 11054, Schedule II of section  
18 11055, Schedule III of section 11056 of the Health and Safety  
19 Code, or any of the dangerous drugs specified in section 4211  
20 of the code is unprofessional conduct.

21                  7. Section 2238 (formerly § 2391.5) of the code  
22 provides, in pertinent part, that the violation of any statute,  
23 rule or regulation of the state or federal government  
24 regulating controlled substances, constitutes unprofessional  
25 conduct.

26                  8. Section 11167 of the Health and Safety Code  
27 provides in pertinent part that a Schedule II controlled

1 substance may be dispensed upon oral prescription in the event  
2 of an epidemic, accident or calamity; however, the prescriber  
3 shall within 72 hours submit a prescription in triplicate, as  
4 required by section 11164 to the pharmacy or pharmacist filling  
5 the prescription.

6 9. Section 11368 of the Health and Safety Code  
7 provides in pertinent part that every person who forges, alters  
8 or issues or utters a forged, fictitious or altered  
9 prescription or who obtains any narcotic drug by any forged,  
10 fictitious or altered prescription shall be punished by  
11 imprisonment in the county jail for not less than six months  
12 nor more than one year, or in the state prison.

13 10. Section 725 of the code provides, in pertinent  
14 part, that repeated acts of clearly excessive prescribing of  
15 drugs by a physician and surgeon as determined by the standards  
16 of the local community of licensees is unprofessional conduct.

17 11. Drugs, at all times relevant hereto:

18 A. Demerol, a trade name for meperidine  
19 hydrochloride, was classified as a schedule II controlled  
20 substance in subdivision (c) (14) of Health and Safety Code  
21 section 11055, and was also classified as a dangerous drug  
22 within the meaning of subdivision (k) section 4211 of the code.

23 B. Dilaudid, a trade name for hydromorphone, was  
24 classified as a schedule II controlled substance in subdivision  
25 (b) (1) (xi) of Health and Safety Code section 11055, and was  
26 also classified as a dangerous drug within the meaning of  
27 subdivision (k), section 4211 of the code.



1 C. Quaalude, a trade name for methaqualone, was  
2 classified as a schedule III controlled substance in  
3 subdivision (b) (6) of Health and Safety Code section 11056,  
4 and was also classified as a dangerous drug with the meaning of  
5 subdivision (k) of section 4211 of the code.

6 D. Percodan, a trade name for oxycodone  
7 hydrochloride, was classified as a schedule II controlled  
8 substance in subdivision (b) (1) (xiv) of Health and Safety  
9 Code section 11055, and was also classified as a dangerous drug  
10 within the meaning of subdivision (k) of section 4211 of the  
11 code.

12 12. Respondent is subject to discipline pursuant to  
13 sections 2220 and 2234 of the code in that respondent is guilty  
14 of unprofessional conduct within the meaning of subdivision (e)  
15 of section 2234 and section 2238 of the code in conjunction  
16 with sections 11368 of the Health and Safety code, as more  
17 particularly alleged hereinafter.

18 A. On or about the dates set forth herein below,  
19 respondent prescribed certain controlled substances and  
20 dangerous drugs for the following in the strengths and  
21 quantities as follows:

Triplicate Rx Number	Date	Patient	Drug and Strength	Amount
6615 N01	11/10/79	H. Braverman	Demerol 100mg/2ml	5
6615 N51	not shown	H. Braverman	Demerol 100mg/ml	10
6615 N74	12/19/79	H. Braverman	Demerol 100mg/cc	12
6615 N37	12/28/79	H. Braverman	Demerol 100mg/cc	18
6615 N16	01/26/80	H. Braverman	Demerol 100mg/ml	20ml

1	<u>Triplicate</u>	<u>Date</u>	<u>Patient</u>	<u>Drug and Strength</u>	<u>Amount</u>
2	<u>Rx Number</u>				
3	6615 N76	01/30/80	H. Braverman	Demerol 100mg/ml	40ml
4	6615 N45	12/26/79	H. Braverman	Dilaudid 2mg	12
5	5799 M74	08/22/79	S. Braverman	Demerol 100mg	40
6	6615 N36	12/24/79	S. Braverman	Demerol 50 mg/cc	10
7	59215	10/23/79	S. Braverman	Quaalude 300mg	40
8	60068	12/24/79	S. Braverman	Quaalude 300mg	100
9	5799 M39	07/14/79	O. Birdine	Demerol hcl 100mg/2ml	10
10	5799 M87	09/12/79	O. Birdine	Demerol hcl 100mg/2cc	10
11	5799 M99	09/26/79	O. Birdine	Demerol 50mg/2ml	12
12	59779	12/06/79	O. Birdine	Quaalude 150 mg	60
13	5799 M50	10/01/79	Anton(e)	Demerol 100mg/ml	25
14	6615 N06	10/08/79	Anton(e)	Demerol 100mg/ml	50
15	6615 N07	10/10/79	Anton(e)	Demerol 100mg/ml	25
16	6615 N10	10/11/79	Anton(e)	Demerol 100mg/ml	40
17	6615 N11	10/13/79	Anton(e)	Demerol 100mg/ml	50
18	6615 N09	10/13/79	Anton(e)	Demerol 50mg/ml	25
19	6615 N13	10/22/79	Anton(e)	Demerol 100mg/ml	6
20	6615 N12	10/23/79	Anton(e)	Demerol 100mg/ml	25
21	6615 N28	10/29/79	Anton(e)	Demerol 50mg/cc	25
22	6615 N90	01/07/80	Anton(e)	Demerol 100mg/cc	14
23	58866	not shown	Anton(e)	Quaalude 300mg	40
24	59162	10/19/79	Anton(e)	Quaalude 300mg	30
25	59738	12/04/79	Anton(e)	Quaalude 300mg	100
26	60152	12/30/79	Anton(e)	Quaalude 300mg	20
27	60408	01/07/80	Anton(e)	Quaalude 300mg	60

	Triplicate Rx Number	Date	Patient	Drug and Strength	Amount
1	6615 N08	10/10/79	Anton(e)	Dilaudid 2mg/ml	6
2	6615 N34	12/21/79	Anton(e)	Percodan tabs	30
3	59244	10/27/79	Ripp	Quaalude 300mg	30
4	60122	12/29/79	Ripp	Quaalude 300mg	40
5	6615 N39	01/02/80	Ripp	Demerol 100mg/ml	12
6	6615 N44	01/04/80	Ripp	Demerol 100mg/ml	12
7	6615 N48	01/10/80	Ripp	Demerol 100mg/ml	14
8	6615 N36	01/22/80	Ripp	Demerol 100mg/ml	25

10 B. Respondent violated section 725 of the code in  
 11 that the aforesaid prescriptions issued by respondent  
 12 constituted clearly excessive prescribing by a physician or  
 13 surgeon as determined by the standards of the local community  
 14 of licensees.

15 C. Respondent violated section 2238 of the code in  
 16 conjunction with section 11368 of the Health and Safety Code in  
 17 that he issued and altered fictitious prescriptions on the  
 18 aforementioned dates for the patients and drugs set forth in  
 19 subparagraph A of paragraph 10 herein. Said prescriptions were  
 20 fictitious in that the patients named never received the  
 21 prescriptions nor any of the medications called for therein.  
 22 Respondent used said patients' names for the purpose of  
 23 obtaining controlled substances for himself or persons unknown.

24 13. Respondent is subject to discipline pursuant to  
 25 sections 2220 and 2234 in that respondent is guilty of  
 26 unprofessional conduct within the meaning or subdivision (e) of  
 27 section 2234 and sections 2239 and 2238 of the code in

1 conjunction with section 11167 of the Health and Safety Code,  
2 as more particularly alleged hereinafter.

3 A. On or about February 22, 1980, respondent  
4 telephoned Peter Grande, pharmacist at the Mallory Pharmacy,  
5 901 S. La Brea, Inglewood, California, for the purpose of  
6 obtaining a filled prescription by telephone for 15 Demerol  
7 tablets. Respondent told Mr. Grande he had left his triplicate  
8 prescription pad at home and would not be able to get it before  
9 the pharmacy closed, and that the patient was in severe pain  
10 due to passing a stone. Respondent told Mr. Grande he would  
11 provide the triplicate prescription at 9:30 a.m. the following  
12 morning. After verifying respondent's employment by Dr. Flores  
13 of 644 W. Arbor Vitae, Inglewood, California, Mr. Grande agreed  
14 to fill the prescription.

15 B. At approximately 5:30 p.m. on or about  
16 February 22, 1980, respondent obtained 15 tablets of Demerol  
17 50mg pursuant to the said telephone conversation, and produced  
18 a prescription for 20 Quaalude 300 mg which was also filled.  
19 Both prescriptions were filled for patient J [REDACTED] S [REDACTED] of  
20 Pacific Palisades, California. Respondent paid by personal  
21 check and advised Mr. Grande he would bring in cash and a  
22 triplicate prescription the following day.

23 C. Respondent violated section 2239 of the code in  
24 that he never provided said triplicate prescription as required  
25 and his check was returned from the bank advising that the  
26 account was closed. Respondent obtained and filled said

27 /

1 prescriptions for the purpose of use of prescribing for and  
2 administering said controlled substances to himself.

3 D. Respondent violated section 2238 of the code in  
4 conjunction with section 11167 of the Health and Safety Code in  
5 that he never provided the pharmacist with the triplicate  
6 prescription as required by section 11164.

7 14. Respondent is further subject to discipline  
8 pursuant to sections 2220 and 2234 in that respondent is guilty  
9 of unprofessional conduct within the meaning of subdivision (b)  
10 of section 2234, as more particularly alleged hereinafter:

11 A. On or about December 13, 1979, A [REDACTED] Knight  
12 (hereinafter "Knight"), a 28-year-old black male, was admitted  
13 to Brotman Memorial Hospital, Culver City, California,  
14 suffering from an acute sickle cell anemia crisis, which he had  
15 experienced recurring from the age of six months. Knight was  
16 complaining of lower back and leg pain, and was febrile.

17 B. Respondent, Knight's physician for approximately  
18 five years, was not present to admit Knight or to take a  
19 physical examination or a medical history. Respondent ordered  
20 by telephone intravenous fluids, narcotic (Demerol) and routine  
21 laboratory tests. Respondent did not examine Knight until  
22 December 15, 1979, and again on December 16, 1979, despite  
23 numerous attempts by hospital staff members to contact him.  
24 Respondent was again unresponsive to attempts to contact him  
25 after his examination of December 16th, necessitating Knight's  
26 treatment by other physicians until his discharge on or about  
27 December 23, 1979.

1 C. Respondent's conduct described hereinabove  
2 constitutes an extreme departure from the standard of medical  
3 care in the community for the following reasons:

4 (1) Respondent abandoned Knight in that he failed to  
5 examine an acutely ill patient during the first 48 hours of  
6 hospitalization. Respondent further abandoned Knight after  
7 his last examination of December 16, 1979, by failing to  
8 return to the hospital and by failing to respond to  
9 numerous attempts to contact him after that date;

10 (2) Respondent was unavailable to respond to clinical  
11 information necessary to Knight's treatment, despite several  
12 attempts to contact him; and

13 (3) Respondent ordered narcotics and high volumes of  
14 intravenous fluids without examining Knight.

15 15. Respondent is further subject to discipline  
16 pursuant to sections 2220 and 2234 of the code in that  
17 respondent is guilty of unprofessional conduct within the  
18 meaning of subdivision (d) of section 2234, as more  
19 particularly alleged hereinafter.

20 A. The matters alleged hereinabove at subparagraphs  
21 A and B of paragraph 14 are hereby incorporated as though fully  
22 set forth at this point.

23 B. During his December 15 examination of Knight,  
24 respondent incorrectly recorded in progress notes that Knight  
25 was afebrile and that the hemoglobin and hematocrit were  
26 stable. Respondent also noted a marked increase in the white  
27 cell count but offered no explanation for this. Respondent

1 ordered a urine culture, vitamins, and folic acid, but failed  
2 to order blood cultures.

3 C. On his examination of December 16, respondent  
4 noted that the patient was febrile with an increased white  
5 count, and that chest x-rays showed possible pneumonitis.  
6 Respondent ordered repeat chest x-ray, sedation, Tylenol for  
7 fever, and increased intravenous fluid without adding  
8 potassium. Respondent again failed to order blood cultures.  
9 Respondent was unavailable and unresponsive to attempts to  
10 contact him after this date.

11 D. Respondent's conduct alleged hereinabove  
12 constitutes incompetence for the following reasons:

13 (1) Respondent failed to recognize the clinical  
14 consequences of his examination of December 15 with regard  
15 to the increased white count and decreased hemoglobin and  
16 hematocrit levels signifying a hemolytic crisis;

17 (2) Respondent failed to obtain appropriate  
18 consultation, causing the hospital staff to take over  
19 Knight's treatment and obtain a hematology consultant;

20 (3) Respondent failed to recognize the demonstrated  
21 potentiality of the common complications associated with  
22 sickle cell anemia, such as pulmonary hypertension,  
23 congestive failure and bacterial pneumonia.

24 (4) Respondent failed to act upon fever in the  
25 presence of a heart murmur by failing to order blood  
26 cultures; and  
27

1           (5) Respondent's fluid orders were inappropriate in  
2           that the large volume ordered without potassium added  
3           resulted in hypokalemia. In addition, Knight's oral fluid  
4           intake was adequate precluding the necessity of intravenous  
5           fluids in large amounts, which could have led to congestive  
6           failure.

7           16. Section 2236 of the Business and Professions Code  
8           provides, in pertinent part, that the conviction of any offense  
9           substantially related to the qualifications, functions or  
10          duties of a physician and surgeon constitutes unprofessional  
11          conduct within the meaning of the Medical Practice Act. The  
12          record of conviction shall be conclusive evidence only of the  
13          fact that the conviction occurred.

14          17. As a separate and distinct count, respondent is  
15          further subject to discipline in that he has engaged in  
16          unprofessional conduct within the meaning of section 2236 by  
17          having been convicted of a crime which is substantially related  
18          to the qualifications, functions or duties of a physician. The  
19          circumstances are the following:

20               A. On or about April 7, 1981 in the Superior Court  
21          of California for the County of Los Angeles, in case number  
22          A358479, entitled, People of the State of California v. Assibi  
23          Abudu, respondent pleaded guilty to three counts of violating  
24          Health and Safety Code section 11173 subdivision (a), in  
25          connection with obtaining controlled substances by fraud.

26               WHEREFORE, complainant prays that the Division of  
27          Medical Quality hold a hearing on the matters alleged herein



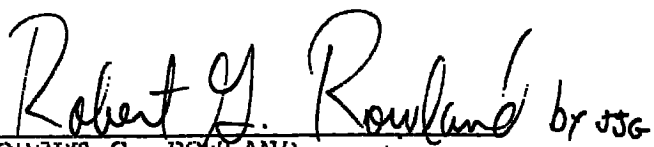
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and following said hearing issue a decision:

1. Taking such action as provided in sections 2227 (formerly § 2372), 2229 (formerly § 2372.1) and 2228 (formerly § 2372.5 of the code; and

2. Taking such other and further action as it deems proper.

DATED: 1/22/82

  
ROBERT G. ROWLAND  
Executive Director  
Board of Medical Quality Assurance  
State of California

Complainant